

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

JASON BERNING, Derivatively on Behalf
of Nominal Defendant PORTLAND
GENERAL ELECTRIC COMPANY,

Plaintiff,

v.

MARIA POPE, JAMES LOBDELL,
RODNEY L. BROWN, JR., JACK E.
DAVIS, KIRBY A. DYESS, MARK B.
GANZ, MARIE OH HUBER, KATHRYN J.
JACKSON, MICHAEL H. MILLEGAN,
NEIL J. NELSON, M. LEE PELTON, JOHN
W. BALLANTINE, and CHARLES W.
SHIVERY,

Defendants,

and

PORTLAND GENERAL ELECTRIC
COMPANY,

Nominal Defendant.

Case No. 3:21-cv-00783 SI

**MOTION TO FILE UNDER SEAL
VERIFIED STOCKHOLDER
DERIVATIVE COMPLAINT**

Pursuant to Local Rule 5-2(e), plaintiff Jason Berning hereby moves the Court to issue an order authorizing the sealing of his Verified Stockholder Derivative Complaint (the “Complaint”). The Complaint contains and refers to confidential Portland General Electric Company board and investigatory materials that were produced to plaintiff subject to a confidentiality agreement requiring that any court filings referencing the confidential material be filed under seal.

The basis for plaintiff’s administrative motion is set forth in the Declaration of Benjamin I. Sachs-Michaels submitted herewith. The Complaint proposed to be sealed and a proposed

order granting plaintiff's motion and authorizing the sealing of the Complaint are submitted herewith.

Dated: 5/21, 2021

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